



**THE HUMANE SOCIETY
OF THE UNITED STATES**

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Via Electronic and First Class Mail

National Freedom of Information Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2822T)
Washington, DC 20460
hq.foia@epa.gov

RE: Public Records Request; Ractopamine

The Humane Society of the United States ("HSUS") requests the following public records¹ pursuant to the Federal Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, *et seq.*,

1. all records created by, received by, under the authority of, or coming into the custody, control, or possession of the Environmental Protection Agency ("EPA") relating to any communications between the NPS/Department of the Interior ("DOI") and any other federal agency, including, but not limited to, the Food and Drug Administration ("FDA"), the U.S. Department of Agriculture ("USDA"), and the Fish and Wildlife Service ("FWS"), related to the animal drug Ractopamine Hydrochloride; and
2. all records created by, received by, under the authority of, or coming into the custody, control, or possession of the EPA that relate to FDA and the preparation of any Environmental Assessment ("EA"), Environmental Impact Statement ("EIS"), and/or Finding of No Significant Impact ("FONSI") associated with any approval by the FDA of Paylean Type A Medicated Article (Ractopamine Hydrochloride) for use in swine feed, including all records related to any review of NPS of any relevant EA, EIS or FONSI.

¹ The term "records" is used herein to mean anything denoted by the use of that word or its singular form in the text of FOIA. In particular, the term includes, but is not limited to, all reports; studies; presentations; graphic materials; videos; writings (including, but not limited to, handwritten, typed, electronic or otherwise produced, reproduced or stored memoranda, meeting notes and minutes, drafts and working papers, contracts, agreements, and technical proposals); communications (including recorded messages, electronic mails, written complaints or other communications, and notes and summaries of conversations or interviews); and any other written, electronic or recorded records in the Agency's possession.

Request for a Fee Waiver

First, the disclosure requested here would be "likely to contribute significantly to public understanding of the operations or activities of the government" because the subject matter of the requested records specifically concerns identifiable activities of the government, namely the adherence of agencies with the National Environmental Policy Act ("NEPA") in relation to the approval of new animal drugs. *See* 5 U.S.C. § 552(a)(4)(A)(iii). The HSUS undeniably has the ability to contribute to the public's understanding of federal agencies' operations as well as their policies relating to listed species in captivity due to its size and proven ability to disseminate information to a large segment of the public.

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Second, disclosure of the requested information would also satisfy the second prerequisite of a fee waiver request in that HSUS does not have a "commercial interest that would be furthered by the requested disclosure." 40 C.F.R. § 2.107(l)(1). HSUS is a nonprofit organization whose mission is to "create a humane and sustainable world for all animals, including people, through education [and] advocacy." As a 501(c)(3) non-profit organization, HSUS does not have a commercial, trade, or profit interest in the information requested.

Therefore, HSUS requests that the NPS apply its discretion in waiving all or some of the fees accrued as a result of this records request. If the NPS decides not to waive fees expected to accrue as a result of this request or if it decides to waive only a portion of related fees, please provide me with a written accounting of the approximate costs to HSUS for responding to this public records request.

Thank you for your time and attention to this matter. Please do not hesitate to contact me at (202) 676-2354 or hconnor@humanesociety.org if you need any further information or require any clarification regarding this request.

Sincerely,

/s/ Hannah Connor

Hannah Connor, Staff Attorney
Animal Protection Litigation
The Humane Society of the United States
2100 L Street Northwest
Washington, D.C. 20037
(202) 676-2354
hconnor@humanesociety.org



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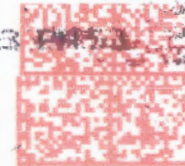
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